

## SIXTIETH DAY

Thursday, May 4, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:58 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kekapa Lee, Lili'uokalani Protestant Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Ninth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 579 to 606) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 579, informing the Senate that on May 1, 2006, she signed into law House Bill No. 2210 as Act 53, entitled: "RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," was placed on file.

Gov. Msg. No. 580, informing the Senate that on May 1, 2006, she signed into law House Bill No. 1833 as Act 54, entitled: "RELATING TO FIREWORKS," was placed on file.

Gov. Msg. No. 581, informing the Senate that on May 1, 2006, she signed into law House Bill No. 2443 as Act 55, entitled: "RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," was placed on file.

Gov. Msg. No. 582, informing the Senate that on May 1, 2006, she signed into law House Bill No. 3194 as Act 56, entitled: "RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was placed on file.

Gov. Msg. No. 583, informing the Senate that on May 1, 2006, she signed into law House Bill No. 3018 as Act 57, entitled: "RELATING TO GOVERNMENT EMPLOYEES," was placed on file.

Gov. Msg. No. 584, informing the Senate that on May 1, 2006, she signed into law House Bill No. 2780 as Act 58, entitled: "RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," was placed on file.

Gov. Msg. No. 585, informing the Senate that on May 1, 2006, she signed into law House Bill No. 1983 as Act 59, entitled: "RELATING TO THE JUDICIARY," was placed on file.

Gov. Msg. No. 586, informing the Senate that on May 1, 2006, she signed into law House Bill No. 2207 as Act 60, entitled: "RELATING TO SEXUAL ASSAULT," was placed on file.

Gov. Msg. No. 587, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2747 as Act 61, entitled: "RELATING TO DRIVER LICENSING," was placed on file.

Gov. Msg. No. 588, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2508 as Act 62, entitled: "RELATING TO WAIVER OF ABANDONED

VEHICLE PUBLIC AUCTION REQUIREMENTS," was placed on file.

Gov. Msg. No. 589, informing the Senate that on May 2, 2006, she signed into law House Bill No. 1899 as Act 63, entitled: "RELATING TO THE USE OF SAFETY HELMETS BY MINORS," was placed on file.

Gov. Msg. No. 590, informing the Senate that on May 2, 2006, she signed into law House Bill No. 3257 as Act 64, entitled: "RELATING TO USE OF INTOXICANTS," was placed on file.

Gov. Msg. No. 591, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2457 as Act 65, entitled: "RELATING TO THE STATE PLAN," was placed on file.

Gov. Msg. No. 592, informing the Senate that on May 2, 2006, she signed into law House Bill No. 877 as Act 66, entitled: "RELATING TO CRIME," was placed on file.

Gov. Msg. No. 593, informing the Senate that on May 2, 2006, she signed into law House Bill No. 1982 as Act 67, entitled: "RELATING TO THE STATE FISH," was placed on file.

Gov. Msg. No. 594, informing the Senate that on May 2, 2006, she signed into law House Bill No. 1984 as Act 68, entitled: "RELATING TO CONVICTION DATA," was placed on file.

Gov. Msg. No. 595, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2192 as Act 69, entitled: "RELATING TO CONTROLLED SUBSTANCES," was placed on file.

Gov. Msg. No. 596, informing the Senate that on May 2, 2006, she signed into law House Bill No. 1947 as Act 70, entitled: "RELATING TO LIABILITY," was placed on file.

Gov. Msg. No. 597, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2434 as Act 71, entitled: "RELATING TO INSURANCE," was placed on file.

Gov. Msg. No. 598, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2898 as Act 72, entitled: "RELATING TO ARBITRATION," was placed on file.

Gov. Msg. No. 599, informing the Senate that on May 2, 2006, she signed into law House Bill No. 3253 as Act 73, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE," was placed on file.

Gov. Msg. No. 600, informing the Senate that on May 2, 2006, she signed into law House Bill No. 2050 as Act 74, entitled: "RELATING TO INTERNATIONAL MATCHMAKING," was placed on file.

Gov. Msg. No. 601, informing the Senate that on May 2, 2006, she signed into law House Bill No. 1 as Act 75, entitled: "RELATING TO HIGHER EDUCATION," was placed on file.

Gov. Msg. No. 602, dated May 2, 2005, transmitting her statement of objections to House Bill No. 173 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS  
HONOLULU

May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 173

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 173, entitled ‘A Bill for an Act Relating to the National Guard.’

This bill would require that persons appointed in the future to be the Adjutant General possess at least five years of service as an active commissioned officer in the Hawaii National Guard.

This bill is objectionable because it severely restricts a Governor from selecting and appointing the best military leader from all branches of the military services to serve in this significant position. The importance of the position of Adjutant General is critical to the safety and protection of the public. Limiting the ability of the Governor to select the best and brightest for this cabinet level position is short-sighted and gravely misguided.

The best candidate for Adjutant General may very well be a candidate who is not a member of the National Guard. This is especially true as the United States Department of Defense moves to increase cooperation between branches of the military and require close coordination in response to national defense and natural disasters. This bill would reject the logic that any candidate outside of the Guard could do an outstanding job as commanding general of the Hawaii National Guard.

The Adjutant General not only serves as the executive head of the Department of Defense and commanding general of the Hawaii National Guard, but also fulfills two other crucial roles not directly related to experience in the National Guard.

First, the Adjutant General serves as Director of State Civil Defense, with responsibilities covering homeland security, emergency preparedness, crisis management, and disaster cleanup. The Adjutant General is required to coordinate not only those activities involving the National Guard, but all civil defense or emergency management activities with private, county, state, and federal agencies and military branches. Second, the Adjutant General works with the Office of Veterans Services to assist and support our veterans of all of the armed services in the State of Hawaii. A requirement that the Adjutant General have served no less than five years in the Hawaii National Guard is not a clear and convincing criteria for being able to handle a broad scope of duties the Adjutant General role requires.

The qualifications and appointment as codified in Section 121-7, Hawaii Revised Statutes, have stood the test of time and should not be changed. Other than limiting the appointing power of the Governor, this bill serves no legitimate purpose in protecting the people of Hawaii. The State of Hawaii must not limit itself when it comes to ensuring the security and safety of our people, supporting our veterans, and working collaboratively with all branches of the military.

For the foregoing reasons, I am returning House Bill No. 173 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii,”

was placed on file.

Gov. Msg. No. 603, dated May 2, 2005, transmitting her statement of objections to House Bill No. 1155 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS  
HONOLULU

May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1155

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1155, entitled ‘A Bill for an Act Relating to Naturopathy.’

The purpose of this bill is to require the Board of Examiners in Naturopathy to adopt a formulary and qualifications for administering natural medicines by injection and to grant to qualified naturopaths the authority to administer natural medicines by injection.

This bill is objectionable because it does not provide adequate protection for the health and safety of the public. While the practice of naturopathic medicine has a long history and the administration of ‘natural medicines’ by injection is part of that history, this bill does not sufficiently define ‘natural medicine.’ Although naturopaths would not have access to substances controlled under chapter 329 (Uniform Controlled Substance Act), Hawaii Revised Statutes, or prescription drugs under the purview of chapter 328 (Food, Drugs, and Cosmetics), Hawaii Revised Statutes, there are many substances on the market that are not controlled by law or regulated by the United States Food and Drug Administration and that are touted as ‘natural.’ The injection of some of these substances may cause serious harm or death to recipients of such injections.

Additionally, this bill provides that a temporary advisory committee on the administration of natural medicines by injection be formed to recommend to the Board of Examiners in Naturopathy a formulary of natural medicines that naturopaths may administer by injection and the qualifications necessary for administering natural medicines by injection. This committee would be composed of two persons licensed as naturopathic physicians under chapter 455 (Naturopathy), Hawaii Revised Statutes, and appointed by the Board of Examiners in Naturopathy; one person licensed in medicine under chapter 453 (Medicine and Surgery), Hawaii Revised Statutes, and appointed by the Board of Medical Examiners; and one person licensed as a pharmacist under chapter 461 (Pharmacists and Pharmacy), Hawaii Revised Statutes, and appointed by the Board of Pharmacy. The temporary committee’s recommendations would be acted upon by the Board of Examiners in Naturopathy, composed of three naturopathic physicians and two public members. Thus, the determination of what constitutes a ‘natural medicine,’ as well as the qualifications necessary to inject those substances into patients, would be primarily the decision of naturopaths themselves.

It would be preferable that any formulary of injectable 'natural medicines' and the qualifications to administer by injection be overseen by medical doctors, as is the case with nurses.

For the foregoing reasons, I am returning House Bill No. 1155 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii,"

was placed on file.

Gov. Msg. No. 604, dated May 2, 2005, transmitting her statement of objections to House Bill No. 2454 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

May 2, 2006

#### STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2454

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2454, entitled 'A Bill for an Act Relating to Legislative Vacancies.'

The purpose of this bill is to require the Governor, in filling vacancies in the State Legislature and the United States Senate, to select a replacement from a list of three prospective appointees nominated by the political party of the prior incumbent.

The goal of the present law is to fill vacancies in the State Legislature and the United States Senate in a timely manner when such vacancies occur. These vacancies in elective office are appropriately filled by the Governor, who is elected by the public at large, and as such is accountable to them. The process for filling vacancies in the United States Senate and the Hawaii State Legislature has been in place since 1970 and has not been shown to have compromised the integrity of the election process.

This bill places the ability for determining who may be appointed by the Governor with the political party leadership of the vacating office holder. This is in spite of the fact that these individuals are not elected by the public and, as such, are not accountable to them.

Additionally, the bill, without any stated rationale, narrows the field of qualified candidates that the political party can consider to those who have been registered members of that party for at least six months prior to the appointment. Such a provision fails to recognize that this may unreasonably restrict the pool of potential candidates as the majority of people who personally and philosophically associate themselves with a political party and vote along party lines may not meet this requirement.

The Governor's ability and responsibility to select the most qualified person to fill a vacancy should not be so narrowly restricted.

For the foregoing reasons, I am returning House Bill No. 2454 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii,"

was placed on file.

Gov. Msg. No. 605, advising the Senate of the withdrawal of the nomination of LINDA L. SMITH to the Hawaii Public Housing Administration (PHA), under Gov. Msg. No. 515, dated April 19, 2006, was placed on file.

In compliance with Gov. Msg. No. 605, the nomination listed under Gov. Msg. No. 515 was returned.

Gov. Msg. No. 606, informing the Senate that on May 2, 2006, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 1233 as Act 76, entitled: "RELATING TO CIVIL RIGHTS."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 1233 HD1 SD1

On May 2, 2006, House Bill 1233, entitled 'Relating to Civil Rights' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The bill would prohibit discrimination based on sexual orientation in public accommodations. The measure would also prohibit discrimination in public accommodations based on gender identity or expression.

'Sexual orientation' has been defined to mean having a preference for heterosexuality, homosexuality, or bisexuality, having a history of any one or more of these preferences, or being identified with any one or more of these preferences. Hawaii law currently prohibits discrimination based on sexual orientation in the areas of housing (HRS 515-3) and employment (HRS 378-2).

Further, it should be noted that HRS Chapter 368 contains the following language in the purpose and intent: 'The legislature finds and declares that the practice of discrimination because of race, color, religion, age, sex, sexual orientation, marital status, national origin, ancestry, or disability in employment, housing, public accommodations, or access to services receiving State financial assistance is against public policy.' (underlines added) Thus, it would appear that the Hawaii Civil Rights Commission already has a basis in law to enforce prohibitions against discrimination in public accommodations based on sexual orientation and this portion of HB 1233 restates what is already a protected class.

This bill further defines 'gender identity or expression' to include a person's actual or perceived gender, gender identity, gender-related self-image, gender-related appearance or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or

gender-related expression is different from that traditionally associated with the person's sex at birth.

This part of the bill is problematic. The definitions are broad, subjective, and contain no limiting terms or interpretational guidelines. The Hawaii Civil Rights Commission currently interprets 'sex discrimination' to include the abuses related to the treatment of individuals who have a gender identity or expression that is different from their birth sex. This interpretation of prohibited sex discrimination is in line with recent court cases in our federal judiciary and sister states. However, the definition in this bill is broader than the current interpretation of sex discrimination. Undefined and overly broad language can lead to disputes and create the potential for escalating reasonable actions by the owners and operators of public accommodations into legal proceedings. Such broad and subjective definitions should not be allowed to become a proxy for socially unacceptable behavior in public places.

It is also unclear how the definitions of gender identity or expression found in section 2 of this bill impact section 489-4 of the Hawaii Revised Statutes. Section 489-4 allows a public accommodation to provide separate facilities for male and female patrons for the protection of personal rights of privacy. People have a legitimate right to privacy and it appears the broad language of this measure could interfere with these legitimate rights. This lack of clarity may result in unintended and unwanted confusions and litigation in public accommodations law that should be addressed promptly by the Legislature.

Because this bill restates an existing protection for the class 'sexual orientation' and clarifies those protections extend to public accommodations in Section 489-2 and Section 489-3 of HRS, there is merit in these provisions of the measure.

For the foregoing reasons I allowed House Bill 1233 HD1 SD1 to become law as Act 76 effective May 2, 2006 without my signature.

Sincerely,

/s/ Linda Lingle  
LINDA LINGLE,"

was placed on file.

#### DEPARTMENTAL COMMUNICATION

Dept. Com. No. 51, from the State Auditor dated May 1, 2006, transmitting a report, "Management Audit of the Hawaii Youth Correctional Facility," (Report No. 06-03), was read by the Clerk and was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 850 to 863) were read by the Clerk and were placed on file:

Hse. Com. No. 850, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 2, 2006:

H.B. No. 237, H.D. 3, S.D. 1, C.D. 1;  
H.B. No. 266, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 386, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 439, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 862, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 970, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1021, H.D. 2, S.D. 2, C.D. 1;

H.B. No. 1280, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1706, H.D. 3, S.D. 1, C.D. 1;  
H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1809, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1821, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1861, S.D. 1, C.D. 1;  
H.B. No. 1862, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1865, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1866, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1867, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1871, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1878, S.D. 1, C.D. 1;  
H.B. No. 1879, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1880, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1889, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1891, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1900, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 1918, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1923, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 1935, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1955, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1968, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 1995, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2039, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2045, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2051, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2075, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2109, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2145, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2146, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2153, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2175, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2176, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2179, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2199, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2211, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2214, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2239, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2265, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2271, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2277, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2299, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2343, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2367, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2399, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2410, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2412, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2500, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2503, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 2540, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2555, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2558, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2595, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2626, S.D. 1, C.D. 1;  
H.B. No. 2637, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2639, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2669, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2678, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2691, S.D. 2, C.D. 1;  
H.B. No. 2692, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2708, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2778, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2805, S.D. 1, C.D. 1;  
H.B. No. 2848, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2899, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2947, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2961, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 2966, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 2974, S.D. 1, C.D. 1;

H.B. No. 2991, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 3016, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 3105, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 3116, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 3121, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 3142, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 3217, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 3225, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 3235, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 3242, S.D. 1, C.D. 1;  
H.B. No. 3244, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 3256, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 3259, H.D. 1, S.D. 2, C.D. 1;  
S.B. No. 427, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 439, H.D. 2, C.D. 1;  
S.B. No. 467, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 475, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 486, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 696, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 706, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 743, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 819, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 826, H.D. 2, C.D. 1;  
S.B. No. 845, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 895, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 951, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 965, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 995, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 1223, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 1294, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 1648, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 1899, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2004, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2021, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2036, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2065, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2076, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2090, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2133, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2143, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2145, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2150, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2159, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2162, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2188, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2190, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2193, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2214, S.D. 2, H.D. 3, C.D. 1;  
S.B. No. 2227, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2237, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2244, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2248, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2260, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2273, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2274, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2283, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2290, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2292, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2293, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2323, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2327, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2328, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2334, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2339, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2343, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2348, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2358, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2360, S.D. 2, H.D. 1, C.D. 1;

S.B. No. 2430, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2479, H.D. 1, C.D. 1;  
S.B. No. 2480, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2484, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2485, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2486, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2487, H.D. 1, C.D. 1;  
S.B. No. 2501, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2502, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2504, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2505, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2545, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2570, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2575, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2600, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2630, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2667, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2708, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2719, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2720, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2727, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2753, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2774, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2879, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2897, S.D. 2, H.D. 3, C.D. 1;  
S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2901, H.D. 1, C.D. 1;  
S.B. No. 2909, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2929, H.D. 1, C.D. 1;  
S.B. No. 2941, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2948, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 2957, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2980, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 2997, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3000, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3003, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3009, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3035, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3059, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3065, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3072, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3077, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3078, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3090, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3101, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3105, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3111, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3119, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3120, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3180, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 3181, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3185, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3192, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 3195, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3197, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3215, S.D. 1, H.D. 2, C.D. 1;  
S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3252, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 3253, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3254, S.D. 2, H.D. 2, C.D. 1;  
S.B. No. 3262, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 3270, S.D. 2, H.D. 1, C.D. 1; and  
S.B. No. 3273, S.D. 2, H.D. 2, C.D. 1.

Hse. Com. No. 851, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2278, H.D. 1, and the

amendments proposed by the Senate were agreed to by the House and H.B. No. 2278, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 852, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2313, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2313, S.D. 1, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 853, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2315, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2315, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 854, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2319, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2319, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 855, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2423, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2423, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 856, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2535, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2535, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 857, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2641, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2641, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 858, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2713, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2713, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 859, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2964, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2964, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 860, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2987, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2987, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 861, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 3100, H.D. 1, and the amendments proposed by the Senate were agreed to by the

House and H.B. No. 3100, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on May 2, 2006.

Hse. Com. No. 862, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 145, H.D. 1, were agreed to by the House and H.C.R. No. 145, H.D. 1, S.D. 1, was adopted in the House of Representatives on May 2, 2006.

Hse. Com. No. 863, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 164, were agreed to by the House and H.C.R. No. 164, S.D. 1, was adopted in the House of Representatives on May 2, 2006.

## ORDER OF THE DAY

### ADVISE AND CONSENT

#### MATTERS DEFERRED FROM TUESDAY, MAY 2, 2006

Stand. Com. Rep. No. 3763 (Gov. Msg. Nos. 318 and 366):

Senator Kokubun moved that Stand. Com. Rep. No. 3763 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Hawaii Community Development Authority (HCDA) of the following:

EVELYN E. SOUZA, term to expire June 30, 2010 (Gov. Msg. No. 318); and

MAEDA C. TIMSON, term to expire June 30, 2010 (Gov. Msg. No. 366),

seconded by Senator Hooser.

The motion to advise and consent to the nomination of EVELYN E. SOUZA was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Baker, Chun Oakland, Fukunaga, Ige, Ihara, Inouye, Kanno).

The motion to advise and consent to the nomination of MAEDA C. TIMSON was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Gov. Msg. No. 515:

By unanimous consent, Gov. Msg. No. 515 was recommitted to the Committee on Commerce, Consumer Protection and Housing.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

### ADVISE AND CONSENT

Stand. Com. Rep. No. 3826 (Gov. Msg. No. 428):

By unanimous consent, Stand. Com. Rep. No. 3826 was received and placed on file.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senator Hemmings moved that the Senate advise and consent to the nomination of FRANK DE LUZ III to the Board of Land and Natural Resources, term to expire June 30, 2010, seconded by Senator Hogue.

#### REMARKS

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 19 (Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hee, Hooser, Ige, Ihara, Inouye, Kanno, Kim, Kokubun, Menor, Nishihara, Sakamoto, Tsutsui). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3827 (Gov. Msg. No. 473):

By unanimous consent, Stand. Com. Rep. No. 3827 was received and placed on file.

At 12:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

Senator Espero moved that the Senate advise and consent to the nomination of ALMA A. CABERTO to the Land Use Commission, term to expire June 30, 2010, seconded by Senator Hogue.

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o'clock p.m.

The motion was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 4. Noes, 21 (Baker, Bunda, Chun Oakland, English, Fukunaga, Hanabusa, Hee, Hemmings, Hogue, Hooser, Ige, Ihara, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Taniguchi, Tsutsui, Whalen).

#### FINAL READING

#### MATTERS DEFERRED FROM TUESDAY, MAY 2, 2006

Conf. Com. Rep. No. 187-06 (S.B. No. 2133, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 187-06 be adopted and S.B. No. 2133, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 187-06 was adopted and S.B. No. 2133, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ihara, Slom, Trimble).

Conf. Com. Rep. No. 208-06 (H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 208-06 and H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

#### FINAL READING

Conf. Com. Rep. No. 238-06 (S.B. No. 2546, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 238-06 and S.B. No. 2546, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 239-06 (H.B. No. 2043, H.D. 2, S.D. 3, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 239-06 be adopted and H.B. No. 2043, H.D. 2, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 239-06 was adopted and H.B. No. 2043, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 240-06 (H.B. No. 2258, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 240-06 be adopted and H.B. No. 2258, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 240-06 was adopted and H.B. No. 2258, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hee, Hemmings, Hogue, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 241-06 (H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Espero and carried, Conf. Com. Rep. No. 241-06 was adopted and H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 242-06 (H.B. No. 2806, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 242-06 was adopted and H.B. No. 2806, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 243-06 (H.B. No. 3036, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 243-06 was adopted and H.B. No. 3036, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 244-06 (H.B. No. 3118, H.D. 1, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 244-06 be adopted and H.B. No. 3118, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 244-06 was adopted and H.B. No. 3118, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 245-06 (H.B. No. 3261, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 245-06 was adopted and H.B. No. 3261, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 246-06 (H.B. No. 3060, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Espero and carried, Conf. Com. Rep. No. 246-06 was adopted and H.B. No. 3060, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

Conf. Com. Rep. No. 247-06 (H.B. No. 2419, H.D. 1, S.D. 3, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 247-06 be adopted and H.B. No. 2419, H.D. 1, S.D. 3, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Taniguchi.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 247-06 was adopted and H.B. No. 2419, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Hooser).

Conf. Com. Rep. No. 248-06 (H.B. No. 957, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 248-06 be adopted and H.B. No. 957, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Inouye.

#### REMARKS

At 12:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:59 o'clock p.m.

#### REMARKS

The motion was put by the Chair and carried, Conf. Com. Rep. No. 248-06 was adopted and H.B. No. 957, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hooser).

At 1:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:51 o'clock p.m.

S.B. No. 2461, S.D. 1, H.D. 1, C.D. 2:

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, S.B. No. 2461, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hee, Ihara, Menor, Taniguchi).

S.B. No. 218, S.D. 4, H.D. 1, C.D. 2:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, S.B. No. 218, S.D. 4, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hee, Ihara, Menor, Taniguchi).

S.B. No. 2006, S.D. 3, H.D. 2, C.D. 2:

On motion by Senator Kokubun, seconded by Senator Hanabusa and carried, S.B. No. 2006, S.D. 3, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF



OPIHI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Menor).

At 1:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:53 o'clock p.m.

#### FINAL READING

#### MATTER DEFERRED FROM TUESDAY, MAY 2, 2006

Conf. Com. Rep. No. 237-06 (S.B. No. 2956, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 237-06 and S.B. No. 2956, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

#### MISCELLANEOUS COMMUNICATION

Misc. Com. No. 7, from the Board of Trustees of the Hawaii Employer-Union Health Benefits Trust Fund, dated May 1, 2006, transmitting its Annual Report, prepared by Garner Consulting, was read by the Clerk and was placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 164 to 169) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 164 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF HAWAII TO PROVIDE ADDITIONAL TIME TO CONSIDER GUBERNATORIAL NOMINATIONS."

Offered by: Senators Hanabusa, Kokubun, Taniguchi, Kim, Sakamoto, Hee, Tsutsui.

Senator Hanabusa moved that Senate Rule 85(1) be suspended, seconded by Senator Hee.

#### REMARKS

At 1:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:55 o'clock p.m.

The motion was put by the Chair and carried.

Senator Hanabusa moved that S.R. No. 164, be adopted, seconded by Senator Hee.

#### REMARKS

The motion was put by the Chair and carried, and S.R. No. 164, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF HAWAII TO PROVIDE ADDITIONAL TIME TO CONSIDER GUBERNATORIAL NOMINATIONS," was adopted.

No. 165 "SENATE RESOLUTION STATING THE INTENT OF THE LEGISLATURE REGARDING THE

EFFECTIVE DATE OF HOUSE BILL NO. 2043, HOUSE DRAFT 2, SENATE DRAFT 3, CONFERENCE DRAFT 1."

Offered by: Senator Chun Oakland.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 165 was adopted.

No. 166 "SENATE RESOLUTION REQUESTING THE CONTINUATION OF THE HIGH CORE PROGRAM FOR ALIENATED YOUTH."

Offered by: Senators Menor, Bunda.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 166 was adopted.

No. 167 "SENATE RESOLUTION AMENDING THE SENATE RULES RELATING TO ETHICS."

Offered by: Senator Bunda.

By unanimous consent, action on S.R. No. 167 was deferred.

No. 168 "SENATE RESOLUTION AMENDING THE SENATE RULES RELATING TO INTERNSHIPS."

Offered by: Senator Bunda.

By unanimous consent, action on S.R. No. 168 was deferred.

No. 169 "SENATE RESOLUTION AMENDING THE SENATE RULES RELATING TO FUNDRAISERS."

Offered by: Senator Bunda.

By unanimous consent, action on S.R. No. 169 was deferred.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 864 to 868) were read by the Clerk and were placed on file:

Hse. Com. No. 864, returning S.C.R. No. 84, which was adopted by the House of Representatives on May 2, 2006.

Hse. Com. No. 865, returning S.C.R. No. 91, S.D. 1, which was adopted by the House of Representatives on May 2, 2006.

Hse. Com. No. 866, returning S.C.R. No. 105, which was adopted by the House of Representatives on May 2, 2006.

Hse. Com. No. 867, returning S.C.R. No. 172, S.D. 1, which was adopted by the House of Representatives on May 2, 2006.

Hse. Com. No. 868, returning S.C.R. No. 104, which was adopted by the House of Representatives on May 2, 2006.

At 1:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:55 o'clock p.m.

#### FINAL READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 208-06 (H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 208-06 be adopted and H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Slom.

#### REMARKS

The motion was put by the Chair and failed to carry, Conf. Com. Rep. No. 208-06 failed to be adopted and H.B. No. 3056, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Baker, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hee, Hooser, Ige, Ihara, Inouye, Kanno, Kim, Menor, Nishihara, Sakamoto, Taniguchi, Trimble, Tsutsui).

Conf. Com. Rep. No. 238-06 (S.B. No. 2546, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 238-06 and S.B. No. 2546, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 237-06 (S.B. No. 2956, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Hee and carried, Conf. Com. Rep. No. 237-06 was adopted and S.B. No. 2956, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 170 to 175) were read by the Clerk and were disposed of as follows:

##### Senate Resolution

No. 170 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Hanabusa, Hemmings.

At 3:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:07 o'clock p.m.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 170 was adopted.

No. 171 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 171 was adopted.

No. 172 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 172 was adopted.

No. 173 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 173 was adopted.

No. 174 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-THIRD LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 174 was adopted.

No. 175 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 175 was adopted.

At 3:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:43 o'clock p.m.

#### ADJOURNMENT

Senator Baker moved that the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, adjourn Sine Die, seconded by Senator Hogue and carried.

At 3:44 o'clock p.m., the President rapped his gavel and declared the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, adjourned Sine Die.